

REMARKS

The Examiner has stated that Claims 1-43 were pending in the present application and has required election of either Claims 1-24 and 31-39 or Claims 25-30 and 40-43. Applicants respectfully traverse the requirement, but provisionally elect the claims in Group I as re-defined below.

It is first to be noted that Claims 10, 15, 20, 24 and 37, which are allowed in the parent application, were withdrawn from consideration by the Preliminary Amendment which was filed with the application on October 19, 1999. Furthermore, the Preliminary Amendment added Claims 44-51, which the Examiner has not addressed in the Office Action dated May 23, 2000. If the Examiner does not have a copy of the Preliminary Amendment, Applicants ask that the Examiner contact the undersigned attorney to obtain a copy of same.

Since the Applicants are required to submit a provisional election even when traversing the restriction requirement, Applicants have applied the Examiner's analysis in concluding that the Group I claims should include Claims 1-9, 11-14, 16-19, 21-23, 31-36, 38-39 and 44-51 while the Group II claims should include Claims 25-30 and 40-43 and have herein provisionally elected to prosecute the Group I claims.

It is also to be noted that restriction was never required in the parent application, although the same set of remaining claims had been pending therein. Applicants ask that



the Examiner explain why the claims were considered as one invention for the previous prosecution, yet cannot be examined as one invention in the continuation application.

In specific response to the Examiner's characterization of the claims as two distinct inventions which are related as subcombination and combination, Applicants respectfully disagree. The Examiner has stated that "...the combination as claimed does not require the particulars of the subcombination as claimed...[including] the details of a database and means for comparing data to the database." Applicants respectfully point to the fact that each of the independent claims in Group I (Claims 1, 7, 21, and 31) includes a recitation of speech recognition means in combination with a recitation of a lesson-based database. Clearly, therefore, the combination does include the particulars of the subcombination. While the subcombination does have utility outside of the combination environment, that alone is not sufficient to warrant a restriction in this application.

In light of the foregoing, Applicants request withdrawal of the requirement set forth in the Office Action dated May 23, 2000, reconsideration of all of the appropriately pending claims in the continuation application, and commencement of prosecution of the pending claims on their merits, in light of the remarks set forth in the Preliminary Amendment dated October 19, 1999.

Respectfully submitted,
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